DOCID: 4165191

~~TOP SECRET//COMINT-ECI~~ [redacted] ~~TALENT KEYHOLE//NOFORN//X1~~

SECURITY CLASSIFICATION

(b)(3)-P.L. 86-36

NSA STAFF PROCESSING FORM

TO	EXREG CONTROL NUMBER	KCC CONTROL NUMBER
DIRECTOR	87112	IG-10160-03

THRU: D/DIR [redacted], D SECRETARIAT ____

ACTION: [ ] APPROVAL [X] SIGNATURE [ ] INFORMATION

EXREG SUSPENSE:

KCC SUSPENSE:

ELEMENT SUSPENSE:

SUBJECT: Quarterly Report to the Intelligence Oversight Board on NSA Activities [redacted] (U//~~FOUO~~)

DISTRIBUTION

SUMMARY

PURPOSE: (U//~~FOUO~~) To forward to the Intelligence Oversight Board (IOB) of the President's Foreign Intelligence Advisory Board, via the Assistant to the Secretary of Defense for Intelligence Oversight (ATSD(IO)), NSA's quarterly report on its intelligence activities.

BACKGROUND: (U//~~FOUO~~) Executive Order 12333 and Executive Order 12863 require Intelligence Community agency heads and Intelligence Community General Counsels and Inspectors General, respectively, to report to the IOB on a quarterly basis concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive. The enclosed memorandum covers all reportable activities known to the Inspector General and General Counsel. Per PIOB letter of 6 August 1982, Agency heads are responsible for reporting separately any additional reportable activities known to them, unless the President has specifically instructed that the Board is not to be informed. The Director's signature signifies that no other activities that require reporting are known to him.

RECOMMENDATION: (U//FOUO) Director sign the enclosed memorandum.

Approved for Release by NSA on 12-19-2014, FOIA Case # 70809 (Litigation)

(b)(3)-P.L. 86-36

DECLASSIFY UPON REMOVAL OF THE ENCLOSURE(S)

COORDINATION/APPROVAL

OFFICE	NAME AND DATE	SECURE PHONE	OFFICE	NAME AND DATE	SECURE PHONE
D05		963-3201			
ActingGC	Vito Potenza 6/19 June 03	5548s			
AGC(O)		3121s			
IG	Joel F. Brenner	3544s			
AIG(IO)	5/29/03	3544s			

ORIGINATOR	ORG.	PHONE (Secure)	DATE PREPARED
	D11	963-2984	29 MAY 2003

FORM A6796 FEB 94
NSN: 7540-FM-001-5465

DERIVED FROM: NSA/CSSM 123-2
DATED: 24 February 1998
DECLASSIFY ON: X1

SECURITY CLASSIFICATION

~~TOP SECRET//COMINT-ECI~~ [redacted] ~~TALENT KEYHOLE//NOFORN//X1~~

DOCID: 4165191 ~~SECRET//COMINT//X1~~
SECURITY CLASSIFICATI

NSA STAFF PROCESSING FORM

TO	EXREG CONTROL NUMBER	KCC CONTROL NUMBER	
NSA IG, NSA GC		OC-101-03	

THRU	ACTION	EXREG SUSPENSE
SIGINT Director 24 Apr 03	☐ APPROVAL	
SUBJECT	☐ SIGNATURE	KCC SUSPENSE
(U) SID Quarterly Compliance Report, 1 January to 31 March 2003 - Addendum	☒ INFORMATION	ELEMENT SUSPENSE

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SUMMARY

PURPOSE: (U//~~FOUO~~) To forward additional information to the NSA Inspector General and the NSA General Counsel for the second quarter of FY2003 (1 January 2003 to 31 March 2003) on SIGINT Directorate compliance with E.O. 12333 and related directives.

BACKGROUND: ~~(S//SI)~~ Due to personnel changes, the counterterrorism desk failed to submit the number of U.S. telephone numbers released under authority of SID policy memo, "Implementation Policy for Support to Law Enforcement and the Intelligence Community with Provision of U.S. SIGINT Calling Data Related to Counterterrorism." Oversight and Compliance noted the omission after the SIGINT Directorate Quarterly Compliance Report to the NSA Inspector General was completed and contacted the CT desk for the data.

DISCUSSION: ~~(S//SI)~~ A total of [redacted] U.S. telephone numbers were released in tippers [redacted] over the second fiscal quarter of 2003.

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COORDINATION/APPROVAL

OFFICE	NAME AND DATE	SECURE PHONE	OFFICE	NAME AND DATE	SECURE PHONE
SID Sr. Oversight Exec.	[redacted] OS 7/3 0859				
			POC	[redacted]	963-8175

ORIGINATOR	ORG.	PHONE (Secure)	DATE PREPARED
[redacted] Chief, Oversight & Compliance		963-8170	23 April 2003

FORM A6796 ~~FEB 94~~
NSN: 7540-FM-001-5465

Derived from: NSA/CSSM 123-2
Dated: 24 February 1998
Declassify On: X1

SECURITY CLASSIFICATION

~~SECRET//COMINT//X1~~

NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755-6000

8 July 2003

MEMORANDUM FOR THE CHAIRMAN, INTELLIGENCE OVERSIGHT BOARD

THRU: Assistant to the Secretary of Defense (Intelligence Oversight)

SUBJECT: (U//~~FOUO~~) Report to the Intelligence Oversight Board on NSA Activities - INFORMATION MEMORANDUM

(U//~~FOUO~~) Except as previously reported to you or the President, or otherwise stated in the enclosure, we have no reason to believe that any intelligence activities of the National Security Agency during the quarter ending 31 March 2003, were unlawful or contrary to Executive Order or Presidential Directive, and thus required to be reported pursuant to Section 1.7.(d) of Executive Order 12333.

(U//~~FOUO~~) The Inspector General and the General Counsel continue to exercise oversight of Agency activities by means of inspections, surveys, training, review of directives and guidelines, and advice and counsel. These activities and other data requested by the Board or members of the staff of the Assistant to the Secretary of Defense (Intelligence Oversight) are described in the enclosure.

JOEL F. BRENNER
Inspector General

VITO T. POTENZA
Acting General Counsel

(U//~~FOUO~~) I concur in the report of the Inspector General and the General Counsel and hereby make it our combined report.

MICHAEL V. HAYDEN
Lieutenant General, USAF
Director, NSA/Chief, CSS

Encl:
a/s

This Memorandum is Unclassified Upon Removal of Enclosure

DERIVED FROM: NSA/CSSM 123-2
DATED: 24 FEB 98
DECLASSIFY ON: X1

1. (U) INSPECTOR GENERAL ACTIVITIES

a. ~~(C//SI)~~ During this quarter, the Office of Inspector General (OIG) reviewed various intelligence activities of the National Security Agency/Central Security Service (NSA/CSS) to determine whether they were conducted in accordance with applicable statutes, Executive Orders, Attorney General procedures, and DoD and internal directives. With few exceptions, the issues presented were routine and indicated that the operating elements understand the restrictions on NSA/CSS activities.

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b. (U//~~FOUO~~) The NSA OIG completed an inspection of the NSA [redacted] Division. All Division personnel interviewed reported scheduled periodic reviews of E.O. 12333 and the derivative documents. Most members had long-standing experience in the conduct of NSA operations and were aware of the their intelligence oversight responsibilities.

c. ~~(S//TK//REL)~~ Along with inspectors from the [redacted] the NSA OIG completed an inspection of the [redacted] The inspection found that the [redacted] is accomplishing Intelligence Oversight (I/O) training and documentation. Although the initial I/O training and the annual refresher training meet the requirements for educating the general workforce, there is no specific USSID 18 training for personnel working in operations. The inspectors recommended that the I/O Officer develop additional training on procedures governing activities of intelligence components for personnel within the operations organization. The inspectors also recommended that the site's I/O policy for cleared custodial and facility workers needs to be reviewed, resolved, and formally documented by NSA and [redacted]

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(b)(3)-50 USC 3024(i)

(b)(3)-P.L. 86-36

d. ~~(S//SI)~~ The OIG has learned of two instances, one in 2001 and one in 2002, when the [redacted] retained and disseminated unminimized U.S. person information in order to demonstrate the site's [redacted] mission capabilities. The first instance involved a voice cut of the [redacted] The second instance involved the voice communications of U.S. participants in [redacted] Both cuts have now been destroyed and the site has been advised by the NSA OGC to use more benign communications to demonstrate its capabilities.

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(b)(3)-18 USC 798
(b)(3)-50 USC 3024(i)

2. (U) GENERAL COUNSEL ACTIVITIES

~~(C//SI)~~ The NSA Office of General Counsel (OGC) reviewed various intelligence activities of the NSA/CSS to determine whether they were conducted in accordance with applicable statutes, Executive Orders, Attorney General procedures, and DoD and internal directives. The OGC advised Agency elements on a number of questions, including the collection and dissemination of communications of or concerning U.S. persons; the reporting of possible violations of federal criminal law contained in SIGINT product; the testing of electronic equipment; and the applicability of the FISA. With few exceptions, the issues presented were routine and indicated that the operating elements understand the restrictions on NSA/CSS activities. The OGC did not file any reports with the Intelligence Oversight Board during this quarter.

3. (U) SIGINT ACTIVITIES

a. ~~(S//SI)~~ Collection Against U.S. Persons

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(1) (U) Intentional

~~(S//SI)~~ During this quarter, the DIRNSA granted approval for consensual collection against [redacted] persons, one U.S.-owned telephone number, and [redacted] U.S.-owned e-mail addresses, which were [redacted] DIRNSA-approved consensual collection against [redacted] U.S. persons was routinely terminated this quarter.

~~(S//SI)~~ The Attorney General granted authority to collect the communications of [redacted] U.S. persons during this quarter.

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(2) (U) Unintentional

~~(TS//SI)~~ [redacted] learned on [redacted] that an individual [redacted] was a naturalized U.S. citizen, not [redacted] as he had initially been identified. [redacted] tasking and collection against his telephone number was stopped, all pertinent transcripts were purged from the transcript storage database, and all associated reporting was canceled.

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~~(TS//SI)~~ [redacted] determined that a [redacted] tasked telephone number belonged to a U.S. person. [redacted] has confirmed that there was no dissemination of information from this number and that the number was immediately removed from all databases.

~~(TS//SI)~~ During this reporting period, there were [redacted] instances where [redacted] issued by [redacted] were later found to refer to parties identified as U.S. persons. The [redacted] were cancelled.

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~~(TS//SI)~~ [redacted] processed a voice cut in which one side of the conversation could not be heard. Upon further investigation, [redacted] determined that the inaudible communicant in the conversation was a U.S. official [redacted] The intercept and all related numbers associated with it [redacted] were deleted and the NSA Office of Primary Interest was advised not to process the intercept.

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3024(i)

~~(TS//SI//NF)~~ [redacted]

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(b)(3)-50 USC 3024(i)

~~(TS//SI//NF)~~ During routine verification of [redacted] intercepts, [redacted] U.S. originated [redacted] messages were detected, apparently because of an [redacted] The problem has been corrected.

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~~(TS//SI)~~ [redacted] an analyst accessing a raw traffic database was able [redacted] for which he was not cleared. Systems administrators subsequently discovered [redacted] The problem has been corrected.

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~~(TS//SI ECI [redacted]//NF)~~ [redacted] under a Foreign Intelligence Surveillance Court (FISC) order that [redacted] The FISC subsequently amended the order to authorize and direct [redacted]

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~~(S//SI//NF)~~ This quarter, unintentional retrievals using the [redacted] raw traffic files resulted in [redacted] incidents against U.S. persons. All incidents were reported to

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responsible oversight officials and corrective actions were taken. All unauthorized traffic collected has been destroyed.

b. (U//~~FOUO~~) **Dissemination of U.S. Identities**

(1) (U) **Intentional**

~~(S//SI)~~ In accordance with section 7 of USSID 18, [redacted] U.S. identities were disseminated. The following table shows the justification and the number of instances of dissemination: In the "Unmasked" column, the U.S. identity was revealed in a serialized end product; in the "User Requested" column, a U.S. identity was released to a user at the user's request.

JUSTIFICATION	Unmasked	User Requested	TOTAL
7.2.c Necessary			
7.2.c.1 Foreign Official			
7.2.c.2 Disclosure of class. Info			
7.2.c.3 International narcotics			
7.2.c.4 Criminal activity			
7.2.c.7 U.S. Government Official[1]			
TOTAL[2]			

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[1] ~~(S//SI)~~ Of the total U.S. Government officials noted, [redacted] were disseminated [redacted] in a total of [redacted] products covered by Blanket Waivers. These [redacted] are available upon request

[2] ~~(S)~~ Each mention of an individual identifier in a single report is counted as one dissemination. Thus, if an individual is mentioned five times in one report, that is tallied as five disseminations.

~~(S//SI)~~ In support of the counterterrorism mission, the SID released a total of [redacted] U.S. telephone numbers, [redacted] during this reporting period.

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(2) (U) **Unintentional**

~~(S//SI)~~ During this quarter, [redacted] SIGINT products were canceled because they contained the identities of U.S. persons, organizations, or entities. Additionally, [redacted] SIGINT products that did not contain any U.S. identities

were cancelled because they contained information derived from U.S. person communications.

(3) (U) Raw Traffic Dissemination Outside the SIGINT Production Chain

~~(TS//SI)~~ The OIG has learned that [redacted], released nonpublished SIGINT during briefings [redacted] In some cases, the information was later released in published product and thus was evaluated for foreign intelligence information and minimization purposes; however, not all materials were subject to this review. [redacted] has been advised that it must follow standard procedures for providing evaluated, minimized traffic. (b)(3)-P.L. 86-36

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(b)(3)-50 USC 3024(i)

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~~(S//SI)~~ [redacted] three personnel at the [redacted] had unauthorized access to raw traffic databases. They were extracting data on [redacted] targets and forwarding the data to [redacted] without accounting for the dissemination. Access was terminated and alternative procedures were put in place for providing [redacted] with the information it needs.

~~(S//SI)~~ A contractor in the [redacted] accessed raw SIGINT approximately [redacted] times during this period. He did not query for data, but examined sessions that were collected based on [redacted] An [redacted] analyst later determined that the contractor should not have had access to this data. The contractor's access was immediately restricted through the authentication procedures required to gain access.

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~~(S//SI)~~ [redacted] a contractor serving as a system administrator (SA) at the Kunia Regional Security Operations Center (KRSOC) accessed a raw traffic database using another user's account. The SA was not authorized to enter the user's account and had not been briefed for proper handling of raw traffic data and access to raw traffic databases. The KRSOC counseled the SA regarding proper security procedures and added a new interface, removing [redacted]

(b)(1)
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(U//~~FOUO~~) One individual who is not in the SIGINT Production Chain had access to raw SIGINT data [redacted] Specifically, the individual's e-mail address was mistakenly added to the alias for the [redacted] Summaries. The summaries contain information from computer network exploitation (CNE) operations. On [redacted] the individual contacted [redacted] and indicated that he had

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been receiving the Summaries in error. He further indicated that he had been deleting them unread. Upon receipt of his message, [redacted] immediately removed his e-mail address from the alias.

~~(C//SI)~~ [redacted] Staff was alerted to the fact that the [redacted] had been making raw SIGINT accessible to a number of individuals without oversight mechanisms. To prevent improper access, new account request procedures were developed and put in place.

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(b)(3)-18 USC 798
(b)(3)-50 USC 3024(i)

~~(TS//SI)~~ As part of a [redacted] used by [redacted] employees were inadvertently [redacted] The [redacted] has notified [redacted] representatives, who are working with NSA SID [redacted]

~~(S//SI//TK)~~ The newly assigned Chief of [redacted] identified activity over NSANet among certain NSA contractor personnel at the [redacted] Much of this interaction has been an attempt to circumvent restrictions on the release of SIGINT technical data and raw SIGINT to non-SIGINT production elements. The Chief [redacted] has made considerable progress in curtailing the activity and has established measures to eliminate the interaction in the future.

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

4. (U) OTHER ACTIVITIES

(U) Integrees in Analysis and Production

~~(S//SI//NF)~~ During this quarter, [redacted] In all cases, these individuals were provided with USSID 18 training. Organizations having integrees at NSA included the [redacted]

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(b)(3)-18 USC 798
(b)(3)-50 USC 3024(i)

(U) Assistance to Law Enforcement

~~(S//SI)~~ [redacted] via the [redacted] requested that NSA acquire voice gists and transcripts for all calls made to and from [redacted] was in contact with [redacted] known to be living [redacted] and [redacted] When it became known that [redacted] intended to meet with [redacted] requested NSA assistance with intercepting their plans, for the purpose of arresting the individual upon arrival [redacted] Immediately after NSA account managers were informed of the request and learned additional details of the case, they notified the NSA OGC. Although collection assets were activated before the OGC was notified, no data was collected before the collection was stopped by the OGC because the collection satisfied law enforcement rather than foreign intelligence requirements.

~~(C)~~ As a result of this incident, several new procedures were developed and implemented:

1) ~~(C)~~ SID law enforcement account managers provide guidelines for dealing with law enforcement field personnel to [redacted] before deployment. They are provided with contact information for NSA representatives to [redacted] at NSA Headquarters and specific guidelines for requesting information and technical support from NSA.

2) ~~(C)~~ The [redacted] to NSA developed and disseminated a memorandum to [redacted] that delineated procedures for requesting NSA support.

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3) ~~(C)~~ NSA OGC provides [redacted] with a tailored, formal briefing on NSA authorities and restrictions. This training includes NIST-authorized downgrading and sanitizations of SIGINT, tasking of NSA/CSS national assets to satisfy [redacted] requirements and special exceptions, such as targeting of non-U.S. persons' communications for a law enforcement purpose.

~~(S//SI//NF)~~ During the quarter, NSA received [redacted] requests of assistance from law enforcement agencies. NSA also received a request from the Department of Justice under Section 105a of the National Security Act of 1947, which allows NSA to provide support to law enforcement if the target is foreign and is located overseas. In accordance with standard practices for such requests, the SID forwarded the results directly to the OGC for vetting before dissemination. NSA support included [redacted]

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(b)(3)-18 USC 798
(b)(3)-50 USC 3024(i)

(b)(1)
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(b)(3)-18 USC 798
(b)(3)-50 USC 3024(i)

[redacted]

(U//~~FOUO~~) In our quarterly report of 25 March 2003, we reported that the NSA Office of Security had provided [redacted] and training last fall [redacted] at the request of [redacted] In response to a query from the D/ATSD(IO), the following additional details are provided:

(U//~~FOUO~~) [redacted] (b)(1) (b)(3)-P.L. 86-36

[redacted]

(U//~~FOUO~~) [redacted] (b)(1) (b)(3)-P.L. 86-36

[redacted]

(U//~~FOUO~~) [redacted] (b)(1) (b)(3)-P.L. 86-36

[redacted]

[redacted] (b)(1)
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(U) Working Aids

(U) All SID personnel at NSA Headquarters and in the Extended Enterprise have access to the document, "U. S. Identities in SIGINT," and other guidance documents either in hard copy or via NSANet. Its personnel are cognizant of NSA/CSS Directive 10-30 and review it as necessary to ensure compliance with the directive.

(U//~~FOUO~~) NSA [redacted] redesigned its home web page to include an Intelligence Oversight link. As part of their quarterly training, [redacted] personnel are required to access the site, read its contents and complete the form at the end signifying they completed the required training. (b)(3)-P.L. 86-36

(U) Databases

~~(S//SI)~~ Numerous branches in [redacted] consistent with OGC guidance, [redacted] to avoid USSID-18 violations. Only information that is essential to understanding the intelligence is included. [redacted] Additionally, many Offices of Primary Interest [redacted] in order to ensure that they are not collected against or named in product. (b)(1)
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D/DIR, D SECRETARIAT	☐ APPROVAL	
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SID Sr. Oversight Exec.	[redacted] (OS 24 Apr 03)	963-8959			
			POC	[redacted]	963-8175

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[redacted] Chief, Oversight & Compliance		963-8170	23 April 2003

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